

# Gulf of Tonkin Measure Voted In Haste and Confusion in 1964

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WASHINGTON, June 24—The 1964 Gulf of Tonkin resolution, which the Senate voted to repeal today, was conceived in crisis and haste as a demonstration of national unity. It came to be depicted—at least by Johnson Administration officials—as a declaration of Congressional authority for the American involvement in Vietnam.

That expansion of the vaguely worded resolution's meaning explains the readiness of the Senate to favor its repeal now.

All but two senators voted for the resolution—the House of Representatives was unanimous—on the presumption that it would help avoid a major war in Southeast Asia. They gradually turned against it when they discovered that it was being used to imply consent for expansion of the war.

Just what the resolution authorized has become a subject of growing controversy as the American involvement has deepened and as Congress has sought to reassert its constitutional powers to make war.

## Little or No Controversy

There was little or no controversy when the resolution was requested by President Lyndon B. Johnson on Aug. 5, 1964. Within two days—and after less than nine hours of committee consideration and floor debate it was approved. Senators Wayne Morse of Oregon and Ernest Gruening of Alaska both Democrats, were the dissenters.

From subsequent testimony by former Assistant Secretary of State, William Bundy, it appears that the Johnson Administration had been contemplating a request to Congress for such a resolution for some months.

What finally prompted the request was the reported attacks of North Vietnamese PT-boats on two United States destroyers on "routine patrol" in the Gulf of Tonkin off North Vietnam. The first attack was reported on Aug. 2, the second on Aug. 4.

Early in 1967 the Senate Foreign Relations Committee, during the course of an investigation, discovered that the destroyers had been on electronic-intelligence missions that carried them into waters claimed by North Vietnam and that there was confusion about the nature of the incidents, particularly the second.

In the crisis atmosphere that followed the reports of the attacks, Congressional leaders were summoned to the White House and it was decided that Congress should adopt a resolution of support for the President. The pattern has been set in 1955, when Congress passed a resolution on Taiwan, to be followed by similar actions involving the Middle East and Cuba.

The resolution did not specifically authorize military action but gave Congressional support to decisions made by their President as Commander in Chief.

During the debate, Senator J. W. Fulbright, chairman of the Foreign Relations Committee, was the move's principal defender. He was later to become its leading critic, contending that it had been obtained under fraudulent evidence and had been turned into a "blank check" by Mr. Johnson.

The President ordered the bombing of North Vietnam the next year and began a troop build-up to more than 500,000 men.

He never specifically cited the resolution as authority, but as Congressional criticism mounted, he frequently pointed to a copy that he carried in his pocket as sanction for his decisions.

## Katzenbach View Influential

In 1967 Nicholas deB. Katzenbach, then Under Secretary of State, told the Foreign Relations Committee that the resolution, taken in conjunction with the SEATO Treaty, was "the statutory equivalent to a declaration of war." Perhaps more than any other factor, that started the growing movement to repeal the resolution.

As for the Nixon Administration, last December the State Department opposed repeal, noting that the resolution had "consequences for Southeast Asia which go beyond the war in Vietnam." But last March the department said that the Administration neither advocated nor opposed repeal and that it was "a matter within the discretion of Congress." However, the department said repeal at this point "may well create the wrong impression abroad about U.S. policy."

What finally tipped the balance in the Senate in favor of repeal was the Administration's assertion that it was not

relying on the resolution as the legal or constitutional authority for its policy in Vietnam. The Administration has contended that the President is acting on the basis of his powers as Commander in Chief to take steps to protect American troops as they are withdrawn from Vietnam.

## Text of Tonkin Resolution

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WASHINGTON, June 24—Following is the text of the Gulf of Tonkin resolution on military action in Indochina, which the Senate voted today to repeal:

To promote the maintenance of international peace and security in southeast Asia.

### SECTION 1

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked

United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and

supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

### SECTION 2

The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

### SECTION 3

This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.